

Title 7
AGRICULTURE AND ANIMALS
Part XV. Plant Protection and Quarantine
Chapter 1. Crop Pests and Diseases

Subchapter A. General Plant Quarantine Provisions

§101. Applicability of Regulations

A. The regulations contained in this Subchapter apply to quarantine of all plants, plant products, parts thereof and all regulated materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:317 (April 1985).

§103. Definitions

Agent or Inspector - any designee of the state entomologist who is qualified by training and/or experience to identify plant pests or diseases.

Certificate - a document issued by the state entomologist evidencing apparent freedom of plants, plant products or parts thereof or regulated articles from infestation.

Certificate Permit - a written document, stamp, or other form of identification approved by the department, which authorizes the movement, sale or offer for sale or storage of plants, plant products or parts thereof or regulated materials.

Certificate Permit Tag - a tag which authorizes the movement, sale or offer for sale or storage of plants, plant products or parts thereof, or regulated materials.

Commissioner - the commissioner of Agriculture and Forestry.

Container - a crate, box, basket, sack, bag or any other kind of container used for the shipment or storage of plants, plant products, parts thereof, or equipment used in the propagation, production or harvesting of plants subject to regulation.

Department - the Louisiana Department of Agriculture and Forestry.

Eradication Area - any area within a quarantine area in which plants or host material or other equipment are to be eradicated.

Fumigation Certificate - a document evidencing fumigation of plants, plant products or parts thereof or regulated materials.

Host - any plant on or in which any plant pest or plant disease lives for nourishment or protection.

Host Material - any substance which harbors any plant pest or disease.

Infested Property - any property where infested plants, plant products or parts thereof or host material has been found, or any property onto which host material from an infested property has been moved for any purpose.

Limited Permit - a document authorizing the movement of regulated articles to a restricted area for limited handling, utilization, processing or for treatment.

Move, Movement or Moved - shipment, deposit for transmission in the mail, offer for shipment, receive for transportation, carry, otherwise transport or move, or allow to be moved, by mail or otherwise, interstate or intrastate, directly or indirectly.

Person - any individual, firm, company, corporation, partnership, society or association engaged in growing, harvesting, storing, shipping or processing any plants subject to inspection and/or regulation by the state entomologist.

Pest - any insect known to be destructive of specific plant life in any stage of development, i.e., egg, larva, pupa or adult.

Pest-Free Area - any location where there is no known incidence of a specific plant pest or disease. (Note: Any given location may be designated as pest-free for one pest but restricted and/or quarantined for another pest.)

Premises - any parcel of land, including any buildings located thereon, irrigation systems and any other similar locations where plant pests or diseases may be supported.

Property - any equipment of any kind, containers for crops, vehicles and other similar properties where plant pests and/or diseases may be found.

Quarantine - an official act of the state entomologist to prohibit or limit planting, production, harvesting, movement, sale or offer for sale, or storage of plants subject to infestation and/or any host material of such plants.

Quarantined Area - any property within or outside of the state of Louisiana which has been officially designated as a quarantine area because such area is suspected of being or is found to be infested with any plant pest or plant disease which is detrimental to any crop grown in Louisiana.

Regulated Area or *Restricted Area* - any property under quarantine or within a one-mile radius of any property under quarantine.

Regulated Materials or *Restricted Materials* - any plants, plant products or parts thereof subject to regulation under this Subchapter, or any host material for any plant pest or disease.

State Entomologist - the official within the department, or his designee, who is authorized to impose and supervise plant quarantines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:317 (April 1985), amended LR 27:1175 (August 2001).

§105. Authority of State Entomologist to Conduct Inspections

A. Whenever the state entomologist has reason to believe or suspect that any plant pest or plant disease subject to regulation may be present at any location within the state of Louisiana, he may cause an inspection of such premises and/or property to be made. Such inspection shall be made at a reasonable time during the normal work day and may be made with or without warrant.

B. Whenever the state entomologist has reason to believe or suspect that any plant pest or disease has been and/or may be transported into Louisiana and/or transported between two or more locations within Louisiana, by any means, he may establish inspection stations and cause an inspection to be made of any vehicle known or suspected to be transporting any materials known to be hosts for such plant pest or disease. In lieu of establishing inspection stations, the state entomologist may utilize existing inspection stations operated by law enforcement personnel of the state of Louisiana.

C. Whenever the state entomologist determines that materials being shipped into or within the state of Louisiana are infested, the state entomologist may order such materials to be destroyed at the inspection point, or to be shipped back to the point of origin. If shipped back to the point of origin, the owner of such materials shall be responsible for payment of all costs associated with the return shipment. Shipments being returned to the point of origin by order of the state entomologist must be sealed in a manner approved by the state entomologist and cannot stop until reaching the point of origin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:318 (April 1985).

§107. Authority of State Entomologist to Impose Quarantines

A. Whenever the state entomologist's inspection of properties or premises indicates any presence of an infestation of any plant pest or disease, the state entomologist may declare such properties or premises to be under quarantine.

B. The state entomologist may place any premises or properties under quarantine by the following procedures:

1. he must give notice, in writing, to the owner of the properties to be quarantined; and
2. he must publish notice of the quarantine in the *Louisiana Register* as required by §109 hereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1654 and R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:318 (April 1985).

§109. Procedure for Imposition of Quarantine

A. In addition to giving written notice to the owner of properties to be placed under quarantine, the state entomologist shall annually, no later than November 30 of each year, publish in the *Louisiana Register* a list of all areas of Louisiana and the nation which are under quarantine, such publication to specify the plant pest or plant disease for which each such area is quarantined.

B. All areas contained on the state entomologist's annual listing of quarantined areas shall remain under quarantine for a period of one year following the date of publication, except as provided in §109.C hereof.

C. The state entomologist may, at his discretion, remove the quarantine from any specific area listed in his annual quarantine listing when it is proven to his satisfaction that the plant pest or disease for which the area was quarantined is no longer present in the area from which the quarantine is to be removed. Whenever the state entomologist removes a quarantine prior to the expiration of one year following publication of the annual quarantine listing, he shall publish a report of his action in the *Louisiana Register*.

D. The state entomologist may, at his discretion, supplement his annual quarantine listing whenever any plant pest or disease is detected in any area which is not under quarantine for such plant pest or disease. The state entomologist shall, in such event, supplement his annual quarantine listing by publishing a "Supplement to the (Year of Quarantine) Quarantine Listing for (Name of Plant Pest or Disease)" in the *Louisiana Register*. The quarantine placed on any area by such supplemental action shall expire at the same time as the quarantines contained in his annual quarantine listing for such plant pests and diseases.

E. Upon publication of the state entomologist's annual quarantine listing, all previously published annual and supplementary quarantine listings shall automatically be repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1654 and R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:318 (April 1985).

§111. Effect of Quarantine

A. Regulated materials may not be grown, harvested, sold, stored or moved out of or within a quarantined area except under special permit issued by the state entomologist.

B. Regulated materials grown, harvested, sold, stored or transported within a quarantined area in the absence of a special permit issued by the state entomologist are subject to destruction at the discretion of the state entomologist.

C. Regulated materials may not be moved from a quarantined area into a pest-free area within Louisiana unless accompanied by a fumigation certificate issued by the state entomologist or by the appropriate official within the state of origin.

D. Regulated materials located within a quarantined area may, at the sole discretion of the state entomologist, be destroyed or disposed of to protect the plant life of the quarantined area. Whenever the state entomologist determines that restricted materials must be destroyed, such destruction shall be performed in a manner approved by the state entomologist. The cost of destruction of such materials shall be borne by the owner of such materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:318 (April 1985).

§113. Movement, Sale, Offer for Sale and/or Storage of Host Materials

A. No host materials may be transported out of Louisiana unless:

1. a valid certificate permit issued by the department accompanies each shipment; and
2. if required by the state of destination, a valid certificate permit tag and/or a fumigation certificate accompanies each shipment.

B. No host materials may be transported into or within Louisiana unless:

1. a valid certificate permit issued by the department or the state of origin accompanies each shipment; and
2. a valid certificate permit tag issued by the department or the state of origin is attached to each container in the shipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:318 (April 1985).

§115. Issuance of Certificate Permits, Certificate Permit Tags and Fumigation Certificates

A. Certificate permits, certificate permit tags and fumigation certificates may be obtained by application, in writing, to the state entomologist or a local inspector.

B. Certificate permits and certificate permit tags for movement or sale of restricted materials will be issued whenever an inspection reveals that such materials are free of any infestation of the specific plant pest or disease subject to regulation. No certificate permit or certificate permit tag will be issued when such materials are found on inspection to be infested with the plant pest or disease.

C. Container certificate permit tags must be attached to each container of a shipment prior to issuance of a certificate permit.

D. Certificate permits, certificate permit tags and/or fumigation certificates may be canceled by the state entomologist whenever, in his sole judgment, such cancellation is necessary to prevent the spread of any plant pest or plant disease within Louisiana.

E. Certificate permits, certificate permit tags and fumigation certificates become invalid after one shipment and/or one sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:318 (April 1985).

§117. Responsibility

A. The owner of any property on which restricted material is stored, planted, cultivated or grown, and any tenant leasing such land, shall be jointly responsible for compliance with these rules and regulations and any other requirements imposed by the state entomologist to eradicate, control and prevent the spread of any plant pest or disease.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985).

§119. Shipments for Scientific Purposes

A. These regulations do not apply to shipments of regulated materials, under proper safeguards, to the United States Department of Agriculture, or to recognized state institutions for scientific purposes, except that a special permit issued by a duly authorized state or federal plant quarantine inspector must be attached to the outside of the container.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985).

§121. Prohibitions

A. No person shall in any way interfere with any agent or inspector representing the state entomologist during the performance of an inspection of premises or other property, the application of suppressive measures for the control or eradication of any plant pest or disease, or the destruction of any plants, plant products or parts, host materials or any other regulated materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985).

§123. Host Materials

A. The following materials are declared to be host materials for the plant pests or diseases indicated.

Title 7, Part XV

Plant Pest/Disease	Host Materials
A. Sweetpotato weevil <i>Cylas formicarius, elegantulus</i> , (Sum.)	Dehydrated sweet potatoes; sweet potato roots, plants, vines or parts thereof; all other <i>Ipomoea</i> spp.; and containers used for transportation or storage of all such hosts.
B. Pink bollworm <i>Pectinophora gossypiella</i> , (Saunders)	All parts of cotton and wild cotton plants of the genus <i>Gossypium</i> , seed cotton, cottonseed, cotton lint, cotton linters, okra, kanef, cotton waste, gin trash, cottonseed hulls, cottonseed cake, cottonseed meal, used bagging and other wrappers for cotton, used cotton harvesting equipment, used picking sacks and any other farm products, equipment, household goods, ginning and oil mill equipment, means of conveyance and any other articles which may serve as host materials.
C. Phytophagus Snails <i>Helix aspersa</i> European Brown Garden Snail <i>Thebia pisana</i> White Garden Snail <i>Megalobulimus oblongus</i> Giant South American Snail <i>Otala lactea</i> Milk Snail <i>Achatina</i> spp. (e.g., Giant African Snail); and any other plant-feeding snail considered injurious to agriculture)	Ornamental, horticultural and nursery stock.
D. Leaf scald <i>Xanthomonas albilineans</i>	Sugar cane plants, stalks, cuttings and seed; maize.
E. Lethal yellowing	<ol style="list-style-type: none"> 1. <i>Cocos nucifera</i> L. (Coconut palm)Xall varieties, including Malayan dwarf 2. <i>Veitchia</i> spp. 3. <i>Pritchardia</i> spp. 4. <i>Arikuryroba schizophylla</i> (Mart.) Bailey (Arikury palm) 5. <i>Corypha elata</i> Roxb. (Buri palm, Gebang palm) 6. <i>Phoenix reclinata</i> Jacq. (Senegal date palm) 7. <i>Phoenix canariensis</i> Hort. ex Chab. (Canary Island date palm) 8. <i>Phoenix dactylifera</i> L. (Date palm) 9. <i>Phoenix sylvestris</i> (L.) Roxb. (Sylvester date palm) 10. <i>Trachycarpus fortunei</i> (Hook.) Wendl. (Chinese windmill palm) 11. <i>Hyophorbe (Mascarena) verschaffeltii</i> H. Wendl. (Spindle palm) 12. <i>Caryota mitis</i> Lour. (Cluster fishtail palm) 13. <i>Borassus flabellifer</i> L. (Palmyra palm) 14. <i>Chrysalidocarpus cabadae</i> H.E. Moore (Cabada palm) 15. <i>Dictyosperma album</i> (Bory) H. Wendl. & Drude (Hurricane or princess palm) 16. <i>Aiphanes lindeniana</i> (H. Wendl.) H. Wendl. 17. <i>Allagoptera arenaria</i> (Gomes) Kuntze 18. <i>Arenga engleri</i> Becc. 19. <i>Ravenea hildebrandtii</i> Wendl. ex Bouche 20. <i>Gaussia attenuata</i> (O. F. Cook) Beccari (Puerto Rican Gaussia) 21. <i>Howeia belmoreana</i> (C. Moore & F. Muell.) Becc. (Sentry palm) 22. <i>Lantania</i> spp. (all species) 23. <i>Livistona chinensis</i> (N.J. Jacquin) R. Br. ex Mart. (Chinese fan palm) 24. <i>Nannorrhops ritchiana</i> (W. Griffith) J. E. T. Aitchison (Mazari palm) 25. <i>Neodypsis decaryi</i> Jumelle (Triangle palm).
F. Sweet potato mosaic	Sweet potato tubers, plants, vines, cuttings, draws and slips; morning glory plants.
G. Tristeza, xyloporosis, psorosis, exocortis	Citrus nursery stock, scions and budwood.
H. Burrowing nematode <i>Radopholus similis</i>	<p>All plants with roots; all earth; all sand; and all parts of plants produced below soil level</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. aquatic plants if free from soil; 2. air plants, including certain orchids, grown in soil-free media; 3. air layered plants if roots are still established in the original soil-free moss wrappings; 4. dormant bulbs and corms if free from roots and soil; 5. fleshy, roots, corms, tubers and rhizomes for edible or medicinal purposes if washed or otherwise freed of soil; and 6. industrial sand and clay.
I. Oak wilt <i>Ceratocystis fagacearum</i>	Rooted trees, seedlings and/or propagative parts of oak (<i>Quercus</i> spp.), Chinese chestnuts (<i>Castanea mollissima</i>), tanoak (<i>Lithocarpus deniflorus</i>) and bush chinquapin (<i>Castanopsis sempervirens</i>), but not including seeds thereof.
J. Phony peach	All peach, plum, apricot, nectarine and almond stock.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 16:294 (April 1990), LR 18:701 (July 1992).

Subchapter B. Nursery Stock Quarantines

§125. Applicability of General Quarantine Regulations

A. Nursery stock is subject to all pertinent provisions of the general quarantine regulations and to the regulations contained in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985).

§126. Nursery Certificate Permit Fees

A. There is hereby established and henceforth there shall be an annual fee paid by nursery permittees as follows.

1. Any nursery which consists of acreage greater than 2,500 square feet or greenhouse area greater than 200 square feet shall be \$100 per location per year and all other nursery certificate permittees shall pay a fee of \$25 per location per year.

2. There is hereby established and henceforth there shall be a fee of \$0.10 per nursery certificate permit tag issued by the Louisiana Department of Agriculture and Forestry to the nursery certificate permittee.

B. The aforementioned fees shall be paid by the permittee to the Louisiana Department of Agriculture and Forestry at the time of application for nursery certificate permits, which permits shall expire on January 31 of each year and shall be renewed annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 15:78 (February 1989), and amended LR 29:2297 (November 2003).

§127. Citrus Nursery Stock, Scions and Budwood

A. The purchaser in Louisiana of out-of-state nursery stock will be held responsible for proof of origin of citrus trees in his possession. Purchase receipts will be considered adequate proof of origin, but citrus invoice reports will not be considered adequate proof.

B. Citrus nursery stock, scions and/or budwood may move into Louisiana from areas where tristeza is not known to occur, provided the certifying official in the state of origin states on the certificate of inspection that the nursery is located in an area of the state of origin in which tristeza is not known to occur.

C. Citrus nursery stock, scions and/or budwood may move into Louisiana from areas in which tristeza is known to occur, provided it has been grown under a citrus budwood registration program against tristeza, xyloporosis, psorosis and exocortis, and provided that under this registration program the following are required.

1. The nursery stock, scions and/or budwood is from parent stock that has been tested on trifoliata rootstock at least three years and shows no indication of exocortis.

2. The nursery stock, scions and/or budwood is from parent stock which has been indexed and found free of tristeza within 12 months before shipment.

3. The nursery stock, scions and/or budwood is from parent stock that has been indexed and found free of xyloporosis and psorosis.

4. The grower has filed a copy of his nursery certificate of inspection with the state entomologist.

5. Each shipment is accompanied by a Louisiana citrus permit tag and a budwood registration tag issued by the appropriate certifying official in the state of origin.

6. Each shipment is accompanied by a citrus invoice report issued by the certifying official of the state of origin, showing the name of the grower; name of consignee; number of trees, scions and/or buds; registered number of parent trees; variety of bud and kind of rootstock. If shipment includes budwood, it must be accompanied by a

bud cutting report. A copy of the invoice and bud cutting report, when required, must be mailed to the state entomologist prior to shipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985).

§129. Phony Peach

A. Permit certificates shall be issued for nursery stock originating in an area known to be infested with phony peach only on the following conditions:

1. that each nursery in the infested areas shall apply to the state entomologist for approval of the proposed nursery-growing site on or before August 15 of each year;
2. that nursery sites shall be at least 300 yards from wild plum, 1/2 mile from phony infested commercial orchards and 1/2 mile from urban areas;
3. that all area within a 1/2 mile radius of the nursery site shall be inspected prior to October 1 of each year, and all phony trees found within such environs removed prior to November 1 of the year in which phony infested trees are found; and
4. that all budding shall be restricted to the slipbud method.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985).

§131. Phytophagous Snails

A. From Non-Infested States. Regulated material, including ornamental, horticultural and nursery stock, moved into or within Louisiana directly from any state not infested with European Brown Garden Snail or other Phytophagous Snails injurious to live plants, must be accompanied by a certificate of nursery inspection (tag).

B. From Infested States or Areas. Regulated material, including ornamental, horticultural and nursery stock, originating from any state or area of any state known to be infested with European Brown Snail or other Phytophagous Snails injurious to live plants, and moved into or within Louisiana must be accompanied by a certificate of nursery inspection (tag) and shall be certified snail-free in a manner approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:702 (July 1992).

Subchapter C. Sweetpotato Weevil Quarantine

§133. Applicability of General Quarantine Regulations

A. Sweet potato plants, plant products and parts thereof and host materials for the sweetpotato weevil are subject to all pertinent provisions of the general quarantine regulations contained in Subchapter A and to the regulations contained in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:702 (July 1992), LR 27:1175 (August 2001).

§135. Definitions Applicable to This Subchapter

A. In addition to definitions found in §103, the following definitions shall also be applicable to this Subchapter.

Commercial Kiln and Storage Houses - any buildings where sweet potatoes produced by different farmers or growers are assembled and stored.

Compliance Agreement - a written agreement between the department and a Sweet Potato Dealer in which the dealer agrees to comply with the General Plant Quarantine Regulations, the provisions of this Subchapter and any conditions specified in the agreement.

Farm Kiln or Storage House - a building or enclosed structure located on a farm in which sweet potatoes grown solely on said farm are stored.

Non-Sweet Potato Area - any area in which the planting, bedding, growing, or storing of any material which acts as a host for the sweetpotato weevil is prohibited.

Platform Inspection - a visual examination by an inspector of sweet potatoes that have been cleaned and packed or containerized prior to the issuance of a certificate permit.

Processing Plants - canning, freezing and dehydrating plants.

Sweet Potato Dealer - a person engaged in the growing for sale, offering for sale, moving or brokering of sweet potatoes, except as noted in §147.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:702 (July 1992), LR 27:1175 (August 2001).

§137. Issuance and Use of Certificate Permits, Certificate Permit Tags, and Fumigation Certificates for the Movement of Regulated Material

A. From Sweetpotato Weevil-Free Designations

1. Green certificate permit tags will, upon request to the department, be issued to any person whose growing, packing and storage facilities are designated by the department as sweetpotato weevil-free and who meet the following conditions.

- a. The person has a valid sweet potato dealer's permit as required by these regulations.
- b. The properties or premises of the person, where regulated materials are grown or stored, have been trapped or surveyed for sweetpotato weevil during the growing season in a manner approved by the department and have been found by the department to be free from sweetpotato weevil.

2. Certificate permits authorizing the movement of regulated material from sweetpotato weevil-free areas or properties or premises to points within and outside of Louisiana will be issued by the department under the following conditions.

- a. The person moving the regulated material has a valid sweet potato dealer's permit as required under these regulations.
- b. The person has signed a compliance agreement with the department specifying the handling of the regulated material to be moved and the proper use of the certificate permits.

3. Green certificate permit tags shall be attached to or placed within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such. Green certificate permit tags shall not be reused.

4. Regulated material moving into areas or properties or premises of Louisiana or into a portion of any other state designated as sweetpotato weevil-infested, unless moving under the provisions set forth in §139.D.2.c, shall not be moved back into any Louisiana sweetpotato weevil-free designated area and shall lose its sweetpotato weevil-free status.

B. From Sweetpotato Weevil-infested Designations

1. Pink certificate permit tags will, upon request to the department, be issued to any person whose growing, packing and storage facilities are designated by the department as sweetpotato weevil-infested and who possess a valid sweet potato dealer's permit as required under the provisions of these regulations.

2. Certificate permits authorizing the movement of regulated material from or within sweetpotato weevil-infested areas or properties or premises will be issued by the department under the following conditions.

- a. The person has a valid sweet potato dealer's permit as required under the provisions of these regulations.

Title 7, Part XV

b. The person has signed a compliance agreement with the department specifying the handling of the regulated material to be moved and the proper use of the certificate permits.

c. The regulated material shall not be moved from a sweetpotato weevil infested designated area into a sweetpotato weevil-free designated area, or to any state which may prohibit entry of such regulated material, unless fumigated under the provisions set forth in §138.

d. If regulated materials are moved, then the regulated materials shall be completely enclosed in the vehicle body or covered tightly by tarpaulins or other means approved by the department in advance of movement.

e. Certificate permits attesting to regulated material fumigation and authorizing the movement of regulated material from areas or properties or premises designated as sweetpotato weevil-infested will be issued when such regulated material is inspected, found apparently free of the sweetpotato weevil and fumigated under the provisions set forth in §138 hereof.

3. Pink certificate permit tags shall be attached to or placed within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such tags. Pink certificate permit tags shall not be reused.

C. No regulated material may be moved or shipped within or out of Louisiana unless accompanied by a valid certificate permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 14:527 (August 1988), LR 16:600 (July 1990), LR 18:702 (July 1992), LR 27:1175 (August 2001).

§138. Fumigation and Maintenance of Weevil-Free Status of Regulated Materials Originating from Designated Sweetpotato Weevil-Infested Areas or Properties or Premises

A. Fumigation Measures. Persons operating storage houses and/or packing sheds who desire to move regulated materials from areas or properties or premises designated by the department as sweetpotato weevil infested into areas or properties or premises designated as sweetpotato weevil-free, or to any state which may prohibit entry of such regulated material, shall:

1. enlist the services of a certified fumigator to perform the fumigation;
2. possess a valid fumigation certificate issued by a certified fumigator, indicating that the fumigation was done in accordance with all fumigant label requirements and in a manner approved by the department. Each fumigation certificate shall state the conditions and dates of fumigation;
3. fumigate with fumigants labeled for use on the regulated material and formulated and used in a manner and at a concentration approved by the department.

B. Maintenance of Weevil-Free Status. Regulated materials shall be maintained in such a manner that the integrity of their weevil-free status following fumigation is retained.

1. *Fumigation Chamber*Xfumigated regulated materials may be stored in a fumigation chamber approved by the department, designed specifically for fumigating and storing regulated materials. The chamber shall be airtight with a self contained, screened exhaust system in place; shall possess doors that seal; shall contain a minimum of 1,000 cubic feet of space, and larger chambers must be designed to contain an even multiple of 1,000 cubic feet; shall be cleaned of all sweet potatoes, parts, and any other regulated materials between periods of fumigation and storage.

2. Tractor trailer rigs designed and constructed for use in fumigations may be used in place of a fumigation chamber provided the truck body meets the fumigation chamber requirements outlined above, with the exception of the cubic feet requirement. A variation in truck body cubic feet shall be allowed provided the variation allows adequate volume to fumigate according to the fumigant label. All entrances or openings on the truck body shall be sealed in a manner approved by the department, prior to shipment, by the use of not more than two seals.

3. If an approved fumigation chamber or tractor-trailer rig is not used then fumigation and storage of regulated materials shall be conducted as follows.

Title 7, Part XV

a. Regulated materials shall be placed in a storage area separate from and in no way connected to any other storage or packing areas containing non-fumigated regulated materials. Storage area must be cleaned of all sweet potatoes, parts, and any other regulated materials between periods of storage.

b. The storage area shall have been treated with an appropriately labeled chemical and in a manner approved by the department prior to initial storage of sweet potatoes harvested and fumigated that season and the storage area shall not be used to store any non-fumigated regulated materials.

c. Fumigation shall be accomplished by tenting the regulated material with a sealed tarpaulin or other suitable sealable material of adequate thickness and construction for use in fumigation with commercial fumigants.

d. Regulated materials shall be completely enclosed with nylon, fiberglass, plastic or other synthetic screen material prior to, during and following fumigation. The screen mesh must be of a size sufficient to prevent entry of sweetpotato weevil and shall be free from tears, rips and holes.

4. Packing House or ShedXsweet potatoes fumigated, screened and stored according to these regulations may be washed and packed in the same packing house or shed as non-fumigated sweet potatoes, provided:

a. the packing house or shed and all packing equipment is cleaned of all sweet potatoes, parts, and any other regulated materials prior to washing and packing of fumigated sweet potatoes;

b. the packing house or shed is treated with an appropriately labeled chemical and in a manner approved by the department prior to each packing period involving fumigated sweet potatoes.

5. All packing boxes and other packing and shipping materials shall be held in a storage area separate from and in no way connected to any other non-fumigated materials, or be fumigated and stored according to these regulations.

6. Fumigated sweet potatoes washed and packed under approved conditions must be shipped within seven days of packing. Washed and packed sweet potatoes shall be completely enclosed with nylon, fiberglass, plastic or other synthetic screen material immediately following packing and must remain enclosed until shipment. The screen mesh must be of a size sufficient to prevent entry of sweetpotato weevil and shall be free from tears, rips and holes. Fumigated, screened sweet potatoes awaiting shipment shall be labeled with the dates of fumigation.

7. Trucks or other vehicles used to ship fumigated sweet potatoes from sweetpotato weevil infested areas or properties or premises shall be cleaned of all sweet potatoes, parts, and any other regulated materials prior to hauling fumigated sweet potatoes. Vehicle compartments previously containing shipments of non-fumigated regulated materials that were moved from or within designated sweetpotato weevil infested areas or properties or premises must be treated with an appropriately labeled chemical and in a manner approved by the department prior to loading fumigated sweet potatoes for shipment.

8. No non-fumigated sweet potatoes shall be stored, loaded or shipped with fumigated sweet potatoes.

C. Issuance of Certificate Permit Tags. Manila certificate permit tags will be issued by the department to persons meeting all sweetpotato weevil quarantine regulation and compliance agreement requirements and who desire to ship regulated materials that have been properly fumigated from areas or properties or premises designated by the department as sweetpotato weevil infested into areas or properties or premises designated as sweetpotato weevil-free, or to any state which may prohibit entry of such regulated material. Permit tags shall be attached to or within each container in a load or shipment of fumigated sweet potatoes and shall not be reused.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 16:600 (July 1990), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:703 (July 1992), LR 27:1176 (August 2001).

§139. Effect of Quarantine for Sweetpotato Weevil

A. Sweetpotato Weevil-Free Designations of Louisiana

1. The growing or storing of regulated material, including seed beds and field plantings of sweet potatoes is prohibited in areas or properties or premises declared to be non-sweet potato areas, except under special permit issued by the department. Non-sweet potato areas may include but are not limited to sweetpotato weevil-infested

Title 7, Part XV

properties or premises, as determined by survey or trapping procedures conducted in a manner approved by the department, located in those areas of the state designated by the department as sweetpotato weevil-free.

2. Any regulated material found in non-sweet potato areas shall be disposed of in a manner approved by the department.

3. Regulated materials, properties or premises found to contain sweetpotato weevil may be subject to required treatments, handling restrictions, or destruction as determined by the department.

B. Sweetpotato Weevil-Infested Designations of Louisiana

1. Owners or persons in charge of properties or premises supporting active infestations of sweetpotato weevil within those areas or properties or premises of the state designated as sweetpotato weevil-infested may save their own seed sweet potatoes, provided that:

a. such seed sweet potatoes are graded in a manner sufficient to render them apparently free of the sweetpotato weevil;

b. such seed sweet potatoes are properly treated in a manner approved by the department at the time of storage;

c. no seed sweet potatoes, plants, vines and/or cuttings shall be sold, offered for sale or moved except those which have been inspected by the department and found to be apparently free of the sweetpotato weevil.

2. Regulated materials, properties or premises supporting active infestations of sweetpotato weevil within those areas of the state designated as sweetpotato weevil-infested may be subject to required treatments, handling restrictions, or destruction as determined by the department.

C. Statewide

1. Sweet potatoes in seedbeds shall be destroyed within 15 days after such potatoes have served their purpose, and not later than July 15 of each year. Destruction shall be in such a manner that all sweet potatoes, plants and parts are brought to the soil surface and exposed, or in such other manner as may be prescribed by the department.

2. All sweet potato fields shall be harvested by December 1 of each year by the owner of the crop. Such fields shall be destroyed within 15 days after harvesting, and not later than December 15 of each year. Destruction shall be in such a manner that all remaining sweet potatoes, plants and parts are brought to the soil surface and exposed, or in such other manner as may be prescribed by the department.

3. Sanitary Measures. Persons operating packing sheds, assembly points, processing plants and/or storage houses shall:

a. not permit loose sweet potatoes or parts of sweet potatoes to accumulate in or around any structure in which sweet potatoes are cleaned, packed, processed or stored;

b. render waste sweet potatoes and sweet potato parts unsuitable for or unavailable to the sweetpotato weevil by processing or disposal in a manner approved by the department. If it is necessary to haul host material from the place of accumulation for processing or disposal, such hauling shall be done in an approved tight-body truck or container and covered with a tarpaulin when necessary;

c. not allow sweet potatoes, sweet potato crowns and roots or parts thereof to be carried away from storage houses, processing plants, packing sheds or assembly points in water used in washing sweet potatoes;

d. not permit the sale, offer for sale or movement to any person or farm of culled sweet potatoes or sweet potato parts, except under special permit issued by the department; and

e. not move empty containers or equipment used in the handling of sweet potatoes from packing sheds or processing plants unless cleaned free of all host materials.

D. Regulated Material from Other States

1. Sweet potatoes, sweet potato plants, plant products and parts thereof, host materials, and containers and equipment used in handling sweet potatoes may not enter Louisiana unless accompanied by valid certification from the state of origin.

Title 7, Part XV

2. A valid state-of-origin certificate permit tag shall be attached to or placed within each container in a load of sweet potatoes entering Louisiana.

a. Only regulated material certified as grown, stored and inspected in a portion of the state of origin designated as sweetpotato weevil-free, or fumigated in accordance with these regulations, shall enter those areas or properties or premises of Louisiana designated sweetpotato weevil-free unless moving under the provisions of this Section.

b. Regulated material grown, stored or inspected in a portion of the state of origin designated sweetpotato weevil-infested or sweetpotato weevil regulated, and inspected and found apparently free of sweetpotato weevil, shall enter only those areas or properties or premises of Louisiana designated sweetpotato weevil-infested unless moving under the provisions of this Section.

c. Movement of regulated material from sweetpotato weevil-infested or sweetpotato weevil regulated areas or properties or premises through those areas or properties or premises of Louisiana designated sweetpotato weevil-free is prohibited, except when moved by common carrier with a through bill of lading; or, if moved by truck or any other conveyance, said conveyance shall be sealed by the state of origin, shall have no additional regulated material added to the shipment, and shall not be unloaded within designated weevil-free areas or properties or premises of Louisiana.

d. Regulated material originating in areas or properties or premises designated sweetpotato weevil-free that is moved into any area or property or premise designated sweetpotato weevil-infested or sweetpotato weevil regulated, except under the provisions of this Section, shall not be moved back into any designated sweetpotato weevil-free area or property or premise and shall lose its sweetpotato weevil-free status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:704 (July 1992), LR 27:1177 (August 2001).

§141. Handling, Storage and Processing of Sweet Potatoes within Those Areas or Properties or Premises of the State Designated Sweetpotato Weevil-Infested

A. Sweet Potatoes Treated with Approved Chemicals. There shall be no date limit on the shipment of sweet potatoes from those areas or properties or premises of the state designated sweetpotato weevil-infested, provided:

1. sweet potatoes to be marketed after April 1 following the year of production must be treated before February 28 with a chemical or chemicals labeled for sweet potato use and approved by the department; and

2. sweet potato packing sheds, processing plants and/ or storage houses, and all containers and equipment used in handling sweet potatoes must be cleaned and treated in a manner prescribed by the department as soon as possible after final disposal of a crop of sweet potatoes.

B. Sweet Potatoes Not Treated with Approved Chemicals and/or Heavily Infested with Sweetpotato Weevil. Unprocessed sweet potatoes shall not:

1. be held in processing plants, warehouses or other storage houses on properties or premises supporting active infestations of sweetpotato weevils;

2. be moved in any manner except as provided for in §139.C.3.b;

3. be sold or offered for sale after April 1 following the year of production, except seed sweet potatoes that are apparently free of sweetpotato weevils and have been properly treated as prescribed in this Section.

C. This provision shall apply to all sweet potatoes even though previously inspected and certified for sale and movement.

D. Sweet potato packing sheds, processing plants and/or storage houses, and all containers and equipment used in handling sweet potatoes must be cleaned and treated in a manner prescribed by the department unless a special permit extending the deadline is issued by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

Title 7, Part XV

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:705 (July 1992), LR 27:1178 (August 2001).

§143. Fees

A. A fee of \$0.06 per bushel shall be charged for each bushel of sweet potatoes moved or shipped within or out of Louisiana.

B. The fee charged for sweet potatoes moving to processing plants shall be collected on the basis of the amount of purchase less 10 percent for breakdown and shrinkage while in storage.

C. A fee of \$0.10 per thousand shall be charged for vines, plants, slips or cuttings moved or shipped within or out of Louisiana.

D. Method of assessing fees and time when fees are to be assessed.

1. Fresh Market

a. Fees will be assessed based on average marketable yield per acre for each acre of sweet potatoes planted. The Louisiana Sweet Potato Advertising and Development Commission will determine the average yield.

b. The total acres planted by each producer will be officially determined through the use of global positioning technology or other, similarly technical means, under departmental oversight. Each producer will be provided a mapped copy of his production fields and the acres of each field.

c. One-half of the total fee assessment shall be paid on or before October 15 of each year and the remaining balance shall be paid on or before December 15 of each year.

2. Processing PlantsXassessed at the time the sweet potatoes are moved into a plant for processing or packed to be shipped as non-processed potatoes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655, R.S. 3:1732 and R.S. 3:1734.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 15:77 (February 1989), LR 18:705 (July 1992), LR 27:1178 (August 2001), LR 29:2298 (November 2003).

§145. Penalties for Violation of Sweetpotato Weevil Quarantine

A. Any person violating any portion of the sweetpotato weevil quarantine regulations, or any portion of a signed compliance agreement with the department, may be called to an adjudicatory hearing held in accordance with the Administrative Procedure Act and may be subject to a civil penalty of not more than \$5,000 per each violation per day. Proportionate costs of the hearing may be assessed against the violator. The amount of these costs shall be limited to attorneys' fees as charged to the department for the actual hearing and preparation for the hearing; and actual cost of departmental personnel time in processing violations.

B. A sweet potato dealer's permit may be suspended, revoked or placed on probation if the holder thereof fails to comply with the provisions of these regulations or with the provisions of a signed compliance agreement with the department, subject to a finding in support of such action in a properly conducted adjudicatory hearing.

C. Sweet potato plantings found in a non-sweet potato area may be destroyed at the expense of the person or persons responsible for the plantings.

D. Regulated material found in violation of these regulations or in violation of a signed compliance agreement with the department may be destroyed and/or disposed of in a manner approved by the department at the expense of the person or persons responsible for the regulated material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:705 (July 1992), LR 27:1179 (August 2001).

§147. Sweet Potato Dealer's Permit

A. All persons, including sweet potato growers and farmers, commercially growing, selling or offering for sale sweet potatoes shall not grow, move, clean, grade, pack or repack for sale, or process in any manner sweet potatoes without a valid Sweet Potato Dealer's Permit.

B. Applicants for Sweet Potato Dealer's Certificate Permit shall complete and file the application required by the department, which shall set forth the following conditions:

1. a guarantee to reimburse any purchase price of sweet potatoes which are confiscated because of sweetpotato weevil infestation or unauthorized sale, offer for sale or movement;

2. an agreement to permit, at the dealer's cost, the disposal or destruction by an inspector of the department or the return to point of origin of any sweet potatoes sold, offered for sale, moved or moving without authorization, or infested with sweetpotato weevil;

3. a signed agreement to comply with any and all sweet potato quarantine regulations and any conditions specified in the agreement.

C. The provisions of this Section do not apply to retail grocers and other retail outlets selling or offering for sale sweet potatoes possessing a valid certificate permit and/or certificate permit tags indicating that the sweet potatoes have been inspected, and that are sold or offered for sale directly to the consumer from a permanent building at a permanent location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1653, R.S. 3:1655, R.S. 3:1732 and R.S. 3:1735.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:705 (July 1992), LR 27:1179 (August 2001).

Subchapter D. Pink Bollworm Quarantine Regulations

§149. Applicability of General Quarantine Regulations

A. Cotton plants, plant products and parts thereof and host materials for the pink bollworm are subject to all pertinent provisions of the general quarantine regulations and to the regulations contained in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

§151. Definitions Applicable to Pink Bollworm

*Approved Gin*Xa gin with a pink bollworm kill efficiency rating of 90 percent or better.

Disinfected or *Disinfested Seed*Xcottonseed treated in a manner and by a method approved by the state entomologist to kill pink bollworm present in any stage of development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

§153. Articles Restricted or Prohibited for Intrastate Movement

A. Regulated articles may not be moved from a regulated area to a pest-free area except under certification.

B. Untreated and/or unmanufactured regulated articles may not be moved within a regulated area except under permit.

C. The following articles are exempt from the prohibition contained in this Section under conditions as shown for each article:

1. compressed baled cotton lint, linters and lint cleaner waste when such products have been given standard or equivalent compressions;
2. samples of cotton lint and cotton linters of the usual trade size;
3. cottonseed cake;
4. cottonseed meal; and
5. edible okra grown within a locality in which no pink bollworm is known to be present.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

§155. Certificates for Intrastate Movement

A. In addition to pertinent requirements contained in the general quarantine regulations (Subchapter A of this Chapter), the following conditions apply to issuance of certificates.

1. Cottonseed. A certificate for intrastate movement of cottonseed will be issued only when the cottonseed are ginned in an approved gin with an approved treatment under the supervision of a department inspector.

2. Cottonseed Hulls Produced from Treated Cottonseed. Certificates for intrastate movement of treated cottonseed hulls from a regulated area may be issued when such hulls are:

- a. produced from sterilized seed originating in a regulated area;
- b. processed in an authorized cotton oil mill under the supervision of an inspector; and
- c. subsequently protected from infestation.

3. Cottonseed Hulls Produced from Untreated Cottonseed. Certificates for intrastate movement of untreated cottonseed hulls from a regulated area may be issued when the hulls are produced from unsterilized seed processed in a designated oil mill and treated by passing through an approved fan.

4. Okra

a. Certificates for the intrastate movement of edible okra originating in a regulated area outside the State of Louisiana may be issued when the shipment is inspected and found to be free of pink bollworm infestation.

b. Dried okra seed originating in a regulated area shall be disinfected in an approved manner before being permitted to move within or outside of the regulated area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

§157. Limited Permits for Intrastate Movement

A. In addition to pertinent requirements contained in the general quarantine regulation (Subchapter A of this Chapter), the following conditions apply to issuance of limited permits.

1. Cotton Lint and Linters. Cotton lint or linters, either baled or unbaled, may be moved intrastate to designated cotton compresses or approved processing plants with a limited permit.

2. Non-Certified Regulated Articles. Non-certified regulated articles may be moved intrastate under a limited permit only to authorized and designated cotton gins, cottonseed oil mills or processing and manufacturing plants and only for treatment incidental to preparing such products for certification. In such event, operators of cotton gins, cottonseed oil mills and other manufacturing plants must agree in writing to the following:

- a. to segregate processed regulated articles from non-processed regulated article;
- b. to assure efficient functioning of processing equipment;
- c. to dispose of gin trash and/or waste on a daily basis;

Title 7, Part XV

- d. to use uncontaminated containers for processed products to prevent contamination;
- e. to maintain the identity of regulated and non-regulated products;
- f. to maintain such other sanitary safeguards against the establishment and spread of infestation as may be required by the state entomologist; and
- g. to comply with any other restrictions as to handling and subsequent movement of regulated articles as may be required by the state entomologist.

3. Untreated Cottonseed. A limited permit may be issued for the intrastate movement of untreated cottonseed from an approved cotton gin to a designated oil mill or other authorized processing plant under such conditions as may be stipulated in the dealer-carrier agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

§159. Treatment Required for Materials Originating in Regulated Areas

A. When contaminated with cotton products originating from states other than Louisiana which are infested with pink bollworm or from a regulated area within Louisiana, the following shall not be moved interstate or intrastate until freed from contamination to the satisfaction of an inspector:

- 1. railway cars, trucks or other vehicles;
- 2. cotton bagging or other containers of cotton;
- 3. cotton processing machinery;
- 4. farm household goods;
- 5. farm equipment;
- 6. used picking sacks;
- 7. personal belongings of transient pickers;
- 8. farm products; and
- 9. any other contaminated articles.

B. When contaminated articles listed in §159.A hereof are cleaned to the satisfaction of the inspector, no certificate or limited permit will be required except for cotton bagging or other containers of cotton and cotton processing machinery.

C. Cotton processing equipment originating in a regulated area outside of Louisiana must be dismantled and cleaned in an approved manner to the satisfaction of an inspector, or fumigated before a permit will be issued for its movement into a pest-free area.

D. Mechanical cotton pickers and used picking sacks must be accompanied by an official fumigation certificate and sealed by the appropriate official of the state of origin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

§161. Cultural and Other Requirements in Regulated Areas

A. Destruction of Cotton Plants

1. Immediately after harvesting a commercial crop, and not later than December 31 in any year, all cotton plants and parts thereof shall be plowed under and thoroughly covered to expedite decay of this material, provided that the state entomologist may approve other methods of destruction under conditions as shown in this Section.

2. The state entomologist may approve close grazing of cotton fields, in lieu of plowing, under conditions stipulated in the dealer-carrier agreement. Application for approval for close grazing in lieu of plowing must be made, in writing, to the department no later than November 1 in any given year.

3. The state entomologist may issue a special permit to allow shredding of cotton stalks with a conventional rotary shredder prior to December 31, in lieu of plowing, for fields which have been planted to leguminous cover crops prior to harvest of the cotton crop. Application for this permit must be made to the state entomologist prior to November 1 in any given year.

B. Handling of Seed Cotton and Cottonseed

1. No seed cotton shall be held over on any farm, or at any cotton gin, warehouse or any other place for any purpose whatsoever after January 31 in any year.

2. Seed cotton moving from farm to gin shall be covered in such a manner as to prevent spillage.

3. Cottonseed may be returned without treatment from an approved gin to the farm of origin within a regulated area.

4. Cottonseed may move to farms other than the farm of origin within the regulated area provided it is ginned at an approved gin and delinted at an approved delinting plant.

5. Cottonseed may be moved outside a regulated area only after approved treatment under an inspector's supervision, except when moved to designated oil mills for processing.

C. Gin Trash Disposal

1. In addition to other normal gin sanitation measures, gin trash must be disposed of daily to avoid harboring the pink bollworm.

2. Gins shall provide a reasonable means for inspection of gin trash disposal procedures.

3. All gins in a regulated area must be thoroughly cleaned by February 10 in any given year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:323 (April 1985).

§163. Dealer-Carrier Agreement

A. As a condition for the issuance of certificates or limited permits for intrastate movement of regulated articles by persons engaged in purchasing, assembling, ginning, processing, transporting or storing such regulated articles, such persons must have a dealer-carrier agreement with the department. Holders of dealer-carrier permits must agree to:

1. maintain an accurate record of receipts and sales, shipments or services and such record shall be available at all times for examination by an inspector; and

2. carry out any and all conditions, treatments, precautions and sanitary measures which may be required by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:323 (April 1985).

Subchapter E. Repeal of Prior Rules and Regulations

§165. Repeal of Prior Rules and Regulations

A. All prior rules and regulations adopted and approved in accordance with R.S. 3:1651 through 1805 are hereby repealed in their entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:323 (April 1985).